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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,989	03/19/2002	Boo YI Park	P67695US0	5639

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WASHINGTON, DC 20004

EXAMINER

MORAN, KATHERINE M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/099,989

Applicant(s)

PARK, BOO YL

Examiner

Katherine M Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

Applicant's amendment of 10/1/03 has been received and reviewed. Applicant amended claims 1, 6, 9, and 10 and cancelled claims 4 and 5.

***Claim Rejections - 35 USC § 112***

1. Claims 1-3, 9, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 9, and 10 recite a sweatband with only two rows of parallel stitching. However, the specification does not recite **only** two rows, nor does the specification describe that the sweatband is sewn only along longitudinal edges, with the rows of stitching being parallel.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Young (U.S. 5,613,248). Young '248 discloses the invention as claimed. Young '248 teaches a sweatband 12

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for use with a baseball-style cap comprising a fabric portion woven to form a tubular channel such that when flattened, two layers of the tubular channel fabric portion provide moisture absorbency without a need for sewing to join the two layers, the two layers lying against one another when the sweatband is in use.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan (U.S. 6,131,202) in view of Young (U.S. 6,546,563). Yan discloses the invention substantially as claimed. Yan '202 teaches a baseball-style cap 2 with a tubular sweatband 24 comprising a crown main body having a plurality of panels 4,6,8,10,12,14, a visor portion 16 secured to a forward portion of the peripheral edge of the crown main body and extending outwardly therefrom. Sweatband 24 is sewn along the lower peripheral edge of the crown main body. However, Yan does not teach that the sweatband is made of a fabric portion woven to form a tubular channel which is flattened and sewn with only two substantially parallel lines, each line extending along and adjacent a respective longitudinal edge of the tubular channel. Yan also does not teach that the sweatband is woven with spun thread having quick perspiration absorbency. Young '563 teaches a woven sweatband 20 with two lines of stitching as is apparent in Figures 5, 6, and 8. Woven sweatbands are typically made of spun yarns inherently having a

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degree of absorbency. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the tubular sweatband of Yan from a woven process as taught by Young, because this process employs a spun yarn with a plurality of fiber bundles extending along a longitudinal direction of the band and spaced apart transversely. This arrangement provides a band with a degree of elasticity and desirable absorption properties. It also would have been obvious to provide the sweatband with two lines of stitching to reinforce the primary absorption portion in the center of the band allowing for the moisture to migrate along the length of the band, and to prevent moisture from collecting at the band's longitudinal edges.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young '248 in view of Young '563. Young '248 discloses the invention substantially as claimed. However, Young does not teach that the sweatband is woven of spun thread having quick perspiration absorbency, or that the sweatband is sewn along longitudinal edges thereof, such that the sewing includes two substantially parallel lines of stitching. Young '563 teaches an absorbent sweatband with two lines of stitching extending along its longitudinal edges as described above. Woven sweatbands are typically made of spun yarns inherently having a degree of absorbency. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the tubular sweatband of Young from a woven process as taught by Young, because this process employs a spun yarn with a plurality of fiber bundles extending along a longitudinal direction of the band and spaced apart transversely. This arrangement provides a band with a degree of elasticity and desirable absorption properties. It also would have been obvious to provide the sweatband with two lines of stitching to reinforce the primary absorption

portion in the center of the band allowing for the moisture to migrate along the length of the band, and to prevent moisture from collecting at the band's longitudinal edges.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-3 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications should be directed to Examiner Katherine Moran at (703) 305-0452. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (703) 305-1025. The official and after final fax number for the organization where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (703) 308-1148.

Kmm

December 8, 2003

A handwritten signature in black ink that reads "Katherine Moran". The signature is written in a cursive style with a large, stylized 'K' and 'M'.

Katherine Moran

Examiner, AU 3765